

REMARKS

I. Status of the Application

Claims 1-3, 5, 7, and 16-23 are pending in the present application. Claims 4, 6, and 8-15 have been previously cancelled. Pursuant to a restriction requirement, claims 16-19 and 23 have been withdrawn by the Examiner as being drawn to a non-elected invention. Claims 1-3, 4, 7, and 20-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by NL 1005190 assigned to Vesalius NV (hereinafter “NL’190”).

Applicant has amended the claims under consideration to more clearly define and distinctly characterize Applicant’s novel invention. Specifically, claim 20 has been amended delete “use of” language and instead to recite a method for treating an aneurysm in a blood vessel comprising the steps of providing a composition according to claim 1, covering the inner wall of the blood vessel with an essentially cylindrical layer of the composition, and curing the composition. Support for this amendment can be found throughout the specification as filed, for example, at page 17, lines 3-10. Claim 21 has also been amended to delete “use of” language, and instead recites a method for treating a bone comprising the steps of making a cavity in the bone, providing the cavity with a composition according to claim 1 and curing the composition. Support for this amendment can be found throughout the specification as filed, for example, at page 18, lines 17-20. Claim 22 has also been amended to delete “use of” language, and instead recites a method for repairing an aneurysm in an artery comprising the steps of providing a composition according to claim 1, and forming a stent comprising the composition *in situ* inside the artery. Support for this amendment can be found throughout the specification as filed, for example, at page 16, lines 23-29. New claims 24 and 25 have been added, support for which can

be found throughout the specification as filed, for example, at page 16, lines 24-27 and at page 18, lines 9-10, respectively. Claim 3 has been amended to correct a typographical error.

Applicant submits that the amendments presented herein contain no new matter and do not raise new issues requiring further search. Applicant respectfully requests entry of the foregoing amendments and reconsideration of the application in view of the following remarks, which are intended to place this case in condition for allowance.

II. Interview Summary

Applicant thanks the Examiner for the courtesy of a telephone interview with Applicant's representative on December 13, 2007. During the interview, it was determined that the reference cited by the Examiner as basis for the 35 U.S.C. § 102(b) rejection of the pending claims is not an English translation of NL'190, but is in actuality a copy of EP 03075001.2, the European patent application from which the present US application claims priority.

III. Claims 1-3, 5, 7, 20-22, and 24-25 Are Novel over NL'190

At page 2 of the instant Office Action, claims 1-3, 5, 7, and 20-22 stand rejected under 35 U.S.C. § 102(b) as being anticipated by NL'190. The Examiner is of the opinion that the English translation of NL'190 discloses a polymer composition comprising a pre-polymer, a filler, and a curing agent, and further discloses specific fillers and biocompatible polymers as recited in the subject claims. The Examiner further asserts that the composition disclosed by NL'190 has the same viscosity, curing characteristics, and elastic modulus as recited in the subject claims. Applicant respectfully traverses the rejection.

As clarified during the Examiner Interview of December 13, 2007, the reference cited by the Examiner as an English translation of NL'190 is in actuality EP 03075001.2, the European

patent application from which the present US application claims priority. Priority document EP 03075001.2 cannot be treated as prior art to the present US application, so the rejection based on EP 03075001.2 is improper.

NL'190 fails to disclose each and every limitation of the subject claims. For example, NL'190 does not mention a liquid curing material, much less a viscosity range for the curing material. NL'190 also fails to disclose a filler, a curing agent, a curable composition comprising a hydrophobic filler, a composition comprising a curing inhibitor, the elongation until rupture and the elasticity modulus of the cured material. Therefore, NL'190 fails to anticipate the subject claims.

For at least the forgoing reasons, Applicant respectfully requests withdrawal of the 35 U.S.C. § 102(b) rejection and allowance of claims 1-3, 5, 7, 20-22, and 24-25.

IV. Conclusion

Having addressed all outstanding issues, Applicant respectfully requests reconsideration and allowance of the case. To the extent the Examiner believes that it would facilitate allowance of the case, the Examiner is requested to telephone the undersigned at the number below.

The Commissioner is hereby authorized to apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

Dated: December 17, 2007



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